

**REMARKS**

Claims 16 and 25 have been amended. Claims 16-31 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Applicants have timely filed a Request for Continued Examination (RCE) along with this Amendment, including the filing fee as set forth in 37 CFR 1.17(e). Accordingly, Applicants respectfully request that the Examiner withdraw the finality of any Office action and enter this Amendment for consideration under 37 CFR 1.114.

**I. Rejection under 35 U.S.C. § 103**

In the final Office Action mailed February 26, 2010, claims 16-30 were rejected under 35 USC § 103(a) as being unpatentable over Witzel (U.S. Patent Application Pub. No. 20007/0171841) in view of Bachmann (U.S. Patent No. 7,577,152).

Claim 16, for example, has been amended to recite:

checking in a radio network controller, upon receipt of a request from a switching unit relating to use of one or more subsets of codec modes of at least one codec mode configuration that includes two or more codec modes for establishment of a transcoder-free operation connection, whether the at least one requested subset is supported by the radio network controller;

if at least one subset of the at least one codec mode configuration is supported by the radio network controller, establishing a transcoder-free operation connection to the switching unit and a communication terminal and restricting a codec mode configuration to be used for transmission of data to the subset; and

signaling, from the radio network controller to the communication terminal, at least one message relating to the subset of the at least one codec mode configuration to be used for transmission of data.

It is respectfully submitted that each of these features of claim 16 is not disclosed by the combination of Witzel and Bachmann.

In contrast to independent claim 16, for example, Witzel merely negotiates codec modes individually, whereby a list of codes supported by an originating node and a list of codecs supported by a terminating node are compared and, if a single codec is supported by both

- nodes, the common codec is used to transmit data between the two nodes. However, Witzel makes no mention of codec mode configurations in which two or more codecs are combined and establishing transcoder-free operation by determining if a subset of a codec mode configuration is supported by a terminating node and transmitting data using the subset.
- Furthermore, Witzel discloses that in order to avoid a situation in which no common codec is determined between the two nodes, additional codecs requiring transcoding are added to the lists. Thus, even if transcoder-free operation is not possible between the nodes, the method of Witzel provides for establishing transcoded operation between the nodes using codecs requiring transcoding.

It is also respectfully submitted that Bachmann fails to make up for the deficiencies in Witzel discussed above.

Since Witzel and Bachmann, alone or in combination, do not discuss or suggest all of the features of claim 16, claim 16 patentably distinguishes over Witzel and Bachmann.

Claims 17-24 and 31 depend either directly or indirectly from claim 16, and include all the features of claim 16, plus additional features that are not discussed or suggested by the references relied upon (including Twiss). Therefore, claims 17-24 and 31 patentably distinguish over the references relied upon for at least the reasons noted above.

Witzel and Bachmann, alone or in combination, do not discuss or suggest:

at least one processing unit checking a request sent from the switching unit relating to use of one or more subsets of codec modes of a codec mode configuration that includes two or more codec modes for establishment of a transcoder-free operation connection to determine whether the requested subset is supported by the radio network controller, establishing a transcoder-free operation connection to the switching unit if at least one subset of the codec mode configuration is supported by said radio network controller, restricting a codec mode configuration to be used for transmission of data to the at least one subset, and signaling a message relating to the at least one subset of the codec mode configuration to be used for the transmission of data via said send unit to a communication terminal included among the mobile network units,

as recited in amended claim 25, so that claim 25 patentably distinguishes over Witzel and Bachmann.

Claims 26-30 depend either directly or indirectly from claim 25, and include all the features of claim 25, plus additional features that are not discussed or suggested by the

- references relied upon. Therefore, claims 26-30 patentably distinguish over the references relied upon for at least the reasons noted above.

Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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